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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
FOSAMAX PRODUCTS LIABILITY LITIGATION :
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ORDER

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

A pretrial conference having been held on July 25, 2008, it is hereby ORDERED as follows:

1. By August 15, 2008, Merck shall identify all countries in which it conducts causality assessments in order to comply with requirements to report adverse reactions.

2. By September 15, 2008, Merck shall produce all causality assessments and underlying service documents.

3. Plaintiffs shall proceed with the deposition of Ann DiPapp and may examine her regarding the purported paucity of documents produced from her custodial file. If it is ultimately determined that additional relevant documents from her file were not produced in a timely fashion, she may be recalled for further examination. In addition, counsel are encouraged to agree on a method for producing a random sample of documents from Ms. DiPapp's file which were identified by the keyword search but were deemed not to be relevant and therefore were not initially produced.

4. The next regularly-scheduled pretrial conference shall be held on September 26, 2008, at 9:30 a.m. in courtroom 18-D.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 29, 2008

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